

06-1122M

MJL:BTR:br
F.#2006R01887
NYNYE-457

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- - - - - X

UNITED STATES OF AMERICA

C O M P L A I N T

- against -

FRANK PAUL ADAMITA,
JOHN KELLY, also known as
"John Kane," and
ENRICO PIRRO,

M. No. _____
(T. 21, U.S.C., §§
846, 841(a)(1) and
841(b)(1)(A)(vii);
T. 21, U.S.C., §§
922(g)(1))

Defendants.

- - - - - X

EASTERN DISTRICT OF NEW YORK, ss:

JEFFREY BOLETTIERI, being duly sworn, deposes and says
that he is an Investigator for the Suffolk County Sheriff's
Department, duly appointed and sworn as a Federal Task Force
Officer and assigned to the United States Drug Enforcement
Administration. This affidavit is based on information and
belief the source of that information and the basis of my belief
being discussions with other agents and confidential sources
which established that:

In or about and between January 2000 though the date
of this complaint, both dates being approximate and inclusive,
within the Eastern District of New York and elsewhere, the

defendants FRANK PAUL ADAMITA, JOHN KELLY, also known as "John Kane," and ENRICO PIRRO, together with others did knowingly conspire to distribute and to possess with intent to distribute in excess of one thousand kilograms of marijuana, a Schedule I controlled substance, in violation of Section 841(a)(1) of Title 21 of the United States Code.

(Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(A)(vii))

On or about October 23, 2006, within the Eastern District of New York, the defendant JOHN KELLY, also known as "John Kane," having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting ammunition and a .25 caliber pistol magazine.

(Title 18, United States Code, Sections 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows ¹:

1. I am Task Force Officer of the Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such. I have been employed as a Suffolk County Deputy

¹ As this affidavit is submitted only to illustrate that probable cause exists to believe that the fruits and instrumentalities of certain crimes are present at the locations described, all the facts known to me as a result of my investigation have not been included.

Sheriff Investigator for approximately twelve (12) years and I am currently assigned to the DEA, New York Field Division, Long Island District Office, Group D-12. This Group is currently assisting in a Career Dealer Initiative coordinated by the United States Attorney's Office in the Eastern District of New York. This Group is a task force comprised of DEA agents, members of the Nassau and Suffolk County's Police Departments, the Nassau and Suffolk County District Attorneys' Offices, and the Suffolk County Sheriff's Office. Since 1999, the Career Dealer Initiative has, through historical analysis and the use of forfeitures and select prosecutions, specialized in the identification and dismantling of drug smuggling and distribution organizations and related support systems. This has been accomplished through targeting career wholesale drug dealers involved in the wholesale drug trade (i.e. multiple-tons of marijuana, hashish or other drugs) for over ten years or more. Over one hundred and fifty such individuals in the New York Metropolitan Area have been arrested and prosecuted in the Eastern District of New York. Millions of dollars of real property and drug proceeds has been Forfeited. To date over a dozen of those defendants have proffered to the government and confirmed details concerning the operation of CARTOON NETWORK and

their drug suppliers.

THE CARTOON NETWORK AND ITS SUPPLIERS

2. In 2005 and 2006 I conducted a wiretap investigation into a retail marijuana delivery service called the "CARTOON NETWORK," which provided over 1,000 kilograms of marijuana while it was in business. Over 25 individuals have been arrested in that investigation, over 6 million dollars in drug proceeds seized. To date over a dozen of those defendants have proffered to the government and confirmed details concerning the operation of CARTOON NETWORK. Wiretap evidence, video surveillances and cooperating defendants has established that the defendants FRANK PAUL ADAMITA and JOHN KELLY, also known as "JOHN KANE," associates of the Gambino Organized Crime Family, were partners in the wholesale distribution of marijuana. The defendant FRANK PAUL ADAMITA acted as a wholesale distributor of marijuana distributed by the CARTOON NETWORK. ENRICO PIRRO assisted Adamita in the management of an apartment used as a "grow house" by the defendants to hydroponically produce marijuana.

3. The Cartoon Network was a sophisticated marijuana distribution organization that used a centralized communications system, managers, drug couriers, and security personnel to

organize and deliver hundreds of orders of marijuana to residences and businesses of customers in the New York City Metropolitan area and Long Island, New York, on a daily basis, and generating between \$20,000 and \$40,000 in drug sales on a daily basis. The Cartoon Network needed regular supplies of high quality marijuana to satisfy the thousands of customers calling on a weekly basis. This marijuana was primarily hydroponically grown marijuana or other high-grade marijuana. The wiretaps and debriefing of cooperating CARTOON NETWORK employees and associates has identified multiple chains of supply providing marijuana to the Cartoon Network. One source of supply identified through the Cartoon Network wiretap and cooperating defendant's was the defendant FRANK PAUL ADAMITA.

Defendant ADAMITA and KELLYS Background

4. Frank Paul ADAMITA is currently serving a sentence of 36 months probation based on his plea of guilty to wire fraud in the Southern District of New York. That offense was based on ADAMITA's efforts, with a number of associates of organized crime, to cash stolen checks and to obtain money through the unauthorized wiring out of monies from various brokerage accounts. ADAMITA has previously served time on a 1 to 3 year state sentence, arising from a murder in Brooklyn, in which he

plead guilty to criminal possession of a weapon used in the fatal shooting. ADAMITA has been identified by the FBI as a Gambino Family associate. His father, Emanuele Adamita, was a member of the Gambino Family, supervised the importation and distribution of multiple-kilos of heroin for the Gambino family in the "Pizza Connection" prosecutions. Emanuele Adamita was deported to Sicily after completing a ten year federal sentence in 1998.

5. At least a dozen individuals were charged in this and related cases both in the Southern and Eastern Districts as a result of these thefts. One co-conspirator in the offense was ADAMITA's friend John Thomas KELLY. KELLY plead guilty to misprison of a felony, based on his knowledge of the ongoing wire fraud. He is currently on supervised release from that conviction. KELLY's is a career criminal. This conviction was his fifth federal felony conviction. Kelly was convicted in 1988 in the Eastern District of New York of possessing \$250,000 in counterfeit money. In 1989 his probation was revoked and he served 4 years imprisonment. In 1988 he was also convicted, after trial, of trafficking in cocaine. In that case, KELLY also indicated then that he could also provide 100 pounds of marijuana weekly. He served 4 years imprisonment. In 1993 he

was convicted of Conspiracy to use unauthorized credit cards in the Southern District of New York and in 1999 of Conspiracy to commit mail fraud in the District of New Jersey. In both cases he was incarcerated. KELLY has also been identified by the FBI as a Gambino Family associate. As a result of his criminal history KELLY faces a minimum mandatory sentence of 20 years imprisonment.

6. Both ADAMITA and KELLY are under supervision of the United States Probation department in the Eastern District of New York. A review of their files with their probation officers indicated that as a condition of supervision for both ADAMITA and KELLY, neither may have "contact with anyone having a criminal record" or may "possess any illegal drugs." Monthly Supervision Reports by each defendant require ADAMITA and KELLY to report in writing to their Probation Officer if either of these circumstances occur. ADAMITA and KELLY repeatedly falsely deny contact with any felons or any possession of drugs in their written reports to the Probation Department.

The Current Drug Operation

7. Cooperating Defendant No. 1 (CD#1) was a wholesale marijuana dealer who supplied over 1,000 kilograms of marijuana, much of which was sold by the CARTOON NETWORK. CD#1 has been

debriefed by officers of the Task Force. CD#1 confirmed that bulk marijuana was obtained from Frank Paul ADAMITA.

8. On June 26, 2006, a Title III electronic intercept was initiated by the DEA on a mobile phone utilized by Frank Paul ADAMITA for his marijuana distribution organization. During the wiretap investigation numerous pertinent telephone calls were intercepted pertaining to ADAMITA's wholesale marijuana distribution organization, along with accompanying physical surveillances conducted by agents. Through the Title III electronic interception and physical surveillance, the DEA identified John KELLY, also known as "John KANE", as ADAMITA's business partner in the distribution of bulk quantities of marijuana. Numerous pertinent conversations have been intercepted between ADAMITA and KELLY pertaining to the everyday operation of their marijuana distribution organization.

9. Today, October 23, 2006 agents searched the "grow house" operated by ADAMITA and KELLY as well as their residences. That search resulted in the following seizures:

a. The "grow house" located at 1162 63rd Street, Brooklyn, New York, a 2 story brick apartment townhouse in which ADAMITA rented Apartment 2, on the right rear of the second floor. Recovered from the apartment were 16 five foot

hydroponically grown marijuana plants, a series of special grow lights, ballasts, tubing for watering and ventilation similar to that agents document ADAMITA purchased from a hydroponic equipment store in Queens, ventilation tubing similar to equipment agents videotaped ADAMITA carrying from the premises, large cutting knives, and various books and guides on growing marijuana. A receipt in ADAMITA's name for rent paid in cash by ADAMITA was also recovered. As well as a series of electrical bills, Con Edison confirmed to agents that the electrical usage for the apartment was at least three times the amount of every other apartment in the building. DEA experts in "home grows" indicate that this is consistent with use of an apartment to grow hydroponic marijuana.

b. The ADAMITA residence, 50 Emmet Avenue, Staten Island, New York, yielded a bullet proof vest, a drug scale, large cutting knives identical to those recovered from the "grow house," an electronic control panel for use with a hydroponic system and assorted financial records. ADAMITA was not at home but was due back today on a flight from Florida, travel that was unreported as required to his Probation officer.

c. The KELLY residence 33 Beach 221st Street, Breezy Point, New York, yielded a .25 caliber handgun magazine and

multiple bullets as well as various documents.

10. DEA surveillance conducted between July and October 19, 2006 has recorded Frank Paul ADAMITA and his associates at the "grow house" on numerous occasions.

a. Observations occurred by agents of ADAMITA traveling from his house to the grow house on July. Right after leaving the grow house, where ADAMITA stayed for approximately 3 hours, the wiretap intercepted ADAMITA calling his sister to deliver an unknown amount of U.S. Currency. After that meeting, further surveillance of ADAMITA observed him drive to a meeting with two car containing known marijuana traffickers. After a lengthy discussion with ADAMITA all three cars left the area. One car was stopped by police, where the odor of marijuana was noted. No arrest was made. Upon release the individuals in that car called ADAMITA to inform him of the police stop.

b. In mid-September 2006, DEA Task Force Officers observed ADAMITA drive up to the "growhouse." After spending some time in the premises ADAMITA was observed carrying a cardboard box out and placing it in the rear of his white GMC SUV. Plastic tubing consistent with marijuana grow equipment was also observed by agents in the rear of ADAMITA's vehicle.

ADAMITA then entered his vehicle and drove away.

c. On September 20, 2006, agents observed an associate of ADAMITA, the defendant ENRICO PIRRO, who has been intercepted on the wiretap discussing the home grow equipment, arrive and park his vehicle in front of the "growhouse." After his arrival a UPS truck delivered a package to the grow location. After the package was delivered PIRRO departed the area in his vehicle.

d. On September 27, 2006, agents observed PIRRO drive up to the "growhouse" and enter the premises. PIRRO later exited the building carrying electric fans. PIRRO then drove away.

e. On September 28, 2006, agents observed Frank Paul ADAMITA arrive at the "growhouse." ADAMITA entered the premises and left carrying a box of vent tubing similar to that recovered in the search.

11. Representative calls involving drug dealing between KELLY and ADAMITA are reflected by the following:

a. In July 2006 in a call between ADAMITA and KELLY pertaining to outstanding money owed to them for marijuana given out on consignment and a location that they may be setting up a marijuana grow was recorded. The following is a sum and

substance of the conversation:

ADAMITA: HELLO.
KELLY: HEY, WHAT YA DOIN?
ADAMITA: NOTHIN BUDDY. I JUST GOT BACK FROM
THE GYM.
KELLY: AH NICE. HOW'D YOU MAKE OUT WITH
"H" [DID YOU COLLECT MONEY FROM
Drug dealer known to the agents }
ADAMITA: AHH, NOTHIN BRO.
KELLY: NOTHIN [INAUDIBLE].
ADAMITA: SINCE I WENT TO 5TH AVE [\$5000]
WITH HIM..NOTHIN. I TRIED TO CALL
HIM 10 TIMES YESTERDAY. HE
CALLED. HE KEPT CALLING ME, HE
SAID BUDDY, IT'S NOT YOU. YOU NEED
TO UNDERSTAND BRO. I CAN'T BELIEVE
THIS, I'M TORTURING THESE MOTHERS
[CUSTOMERS]...EVERYTHING. YOU
DON'T UNDERSTAND..I SWEAR TO GOD
PAULEY. I'M LIKE BRO, WHAT'S THIS
DOING NOTHING FOR ME.
KELLY: YEA, JUST GET IT [MARIJUANA] BACK.
WHAT THE FUCK?
ADAMITA: NO, BUT I SAID THAT. NO, THEY KEEP
ON TELLING
ME, MY PARTNER'S DOING THIS, SO I
SAID NO PROBLEM, IF NOTHING
HAPPENS IN THE MIDDLE OF THIS WEEK
I'M GOING TO REPO HIS CAR.
KELLY: RIGHT.
ADAMITA: HE'S LIKE NO, HE'S GONNA DO IT,
HE'S GONNA DO IT. PAULEY, GIVE ME
A LITTLE TIME I'LL TAKE CARE OF IT
I PROMISE. BLASIE BLA BLASLIE BLA.
[INAUDIBLE] UP WITH SETTIE
HE SAID HE'S GONNA GIVE, DO ME
[PAY ME] IN A COUPLE OF HOURS YOU
KNOW LIKE 6 'CLOCK..SEVEN O'CLOCK,
HE SAYS HE'LL GET [PICK UP MONEY],
AND THEN HE'LL MEET UP WITH ME AND
THAT'S THAT. BUT H AND I HAVEN'T
TALKED TODAY YET BECAUSE HE
DOESN'T GET UP TILL 2 IN THE

AFTERNOON.

KELLY: [INAUDIBLE]

ADAMITA: I KNEW IT, I KNEW IT, I KNEW IT.

KELLY: YEAH THEY'RE [SOURCE OF SUPPLY]
CALLING ME OFF THE FUCK'N WALL
[INAUDIBLE], FUCK'N PEOPLE.

ADAMITA: BUDDY, I FEEL FOR YOU. I FEEL FOR
YOU BROTHER, AND I KNEW IT.

ADAMITA: WHAT CAN WE DO?

KELLY: NOTHIN...JUST COAST, I GOTTA SEE
WHAT SETTIE GIVES, AND THEN GO
FROM THERE. I GOT ANOTHER GUY
HOPEFULLY COMING THROUGH TODAY.
I'LL HAVE TO JUGGLE THAT ONE
[MONEY].

ADAMITA: WELL YOU KNOW WHAT I'M SAYING. HOW
ARE WE DOING FOR RICO?

KELLY: NOTHIN YET. THAT'S THE GUY WHO'S
COMIN THROUGH TODAY [MAKING
PAYMENT].

ADAMITA: OK AH.

KELLY: HE'LL BE ON ZERO WITH US, AND ONE
OF OUR CASES [MARIJUNA] I JUST GOT
THAT BACK LAST NIGHT, THE ONLY
FUCK'N CASE THAT I GOT RID OF
OUTTA US, THEY RETURNED THAT.

ADAMITA: GET OUTTA HERE.

KELLY: [INAUDIBLE] I'M NOT LETTIN NOBODY
GO FOR NOTHIN RIGHT NOW [NOT
GIVING MARIJUANA ON CONSIGNMENT].

ADAMITA: OH BEAUTIFUL, DON'T DO THAT.

KELLY: NO..NO..

ADAMITA: EVERYTHING'S BACK?

KELLY: YEAH, I GOT EVERYTHING OF OURS,
THE THREE AND CANGE CASES [75
POUNDS OF MARIJUANA].

ADAMITA: YEAH?

KELLY: YEAH, EVERYTHING ELSE IS OUT, BUT
YOU KNOW THIS KID WAS TELLING ME,
I'M GONNA COME WITH THE MONEY
THURSDAY. I'LL GIVE IT TO YA,
FORGET IT, BRING IT [MARIJUANA]
BACK. SO HE BROUGHT IT BACK LAST
NIGHT. IF YOU HAVE THE MONEY

THURSDAY, I'LL GIVE IT TO YA. FUCK THAT. WE GOT TOO MANY JACK POTS WAITING. YA KNOW, TOO MUCH OPEN RIGHT THERE. I'D RATHER US BE IN THE DRIVER'S SEAT. FUCK IT.

ADAMITA: NO, YOU BUDDY, WHAT CAN I TELL YA, THAT YOU KNOW WHAT I'M SAYING [INAUDIBLE] AND IT'S MONEY IN THE BANK. IT ISN'T LIKE IT'S BURNING A HOLE IN OUR POCKET OR NOTHIN LIKE THAT. LIKE I SAID, YOU KNOW, BUDDY, I'LL TELL YOU THE TRUTH I DON'T KNOW WHAT' THE FUCK IS THE PROBLEM? YOU GOT TO PUT THE CHOKE HOLD ON EVERYBODY, AND THAT'S IT. BUDDY, I SWEAR TO GOD I DON'T KNOW WHAT TO DO. YOU KNOW, WITH RICO WE'RE DONE, RIGHT? SO IT AIN'T MONEY? SO WHAT'S THE PROBLEM NOW?

KELLY: WITH WHAT?

ADAMITA: THESE PEOPLE WITH THE FRICKIN TEN DAYS [TIME LIMIT FOR PAYMENT]?

KELLY: YEAH I KNOW, WELL DOM WAS CLEANING US UP TODAY [MAKING PAYMENT] ,SO I'M NOT WORRIED ABOUT HIM.

ADAMITA: I'M SAYING I DON'T UNDERSTAND THAT BRO.[INAUDIBLE] I UNDERSTAND, CAUSE LIKE I SAID, WHILE YOU GOT THE PLACE ON 57TH ST [\$5700].

KELLY: YEAH.

ADAMITA: SO, YOU KNOW WHAT, YOU DON'T CARE IF YOU WAIT A LITTLE BIT [FOR PAYMENT], YOU KNOW IT'S PRIME AREA IN MAHATTAN [HIGH PRICE]. SO..

KELLY: YEAH, YEAH I KNOW.

ADAMITA: I'M SAYING, BUT, LISTEN IF WE GOTTA YOU KNOW, GO TO THE RESTAURANT IN SOHO, YOU KNOW, DOWNTOWN [LOWER PRICE].

KELLY: YEAH, WE DO WHAT WE GOTTA DO THAT'S ALL. FUCK IT. WHAT ABOUT THAT OTHER GUY? IS HE COMING THROUGH, WE GAVE HIM THAT NICKLE

ADAMITA: [\$5000 WORTH OF MARIJUANA]?
HE SWORE UP AND DOWN, HE'S TRYING
HIS DAMDEST AND HARDEST. HE SAYS
HE'S GOT AS MUCH ON THE STAKE AS
US.

KELLY: ALRIGHT, GOOD.

ADAMITA: THAT'S HIS WORD. HE GOES, YOU
KIDDING ME? HE GOES, YOU KNOW WHAT
HE SAID TO ME?

KELLY: WHAT? HE SAID IF YOU SEE ANYBODY
COME THROUGH, HE GOES I'LL TAKE
YOU ALL OUT TO PETER LUGARS.
[CROSS TALK]

KELLY: CAN WE MAKE UP A STORY AND GET A
FREE MEAL?

ADAMITA: THAT'S WHAT HE SAID.

KELLY: LAUGH.

ADAMITA: THAT'S WHAT HIS FRIEND SAID TO HIM
HE GOES, NO FUCK'N WAY IN OZ IS
ANY BIG COMPANIES [LARGE MARIJUANA
PURCHASERS] COMING THROUGH. HE
SAID THAT'S BULLSHIT, DON'T LET
ANYBODY FOOL YOU.

KELLY: OH THAT'S WHAT HE SAID? YOU KNOW
WHAT THAT'S EVEN BETTER FOR US.

ADAMITA: SURE

KELLY: WHAT THE FUCK IS THE PROBLEM?

ADAMITA: YOU KNOW WHAT I THINK WE OUGHTA
DO. NOBODY WANTS TO GO FOR WHOLE
CASES I THINK [25 POUND BLOCKS].

KELLY: YEAH WE BREAK THEM DOWN.

ADAMITA: I THINK THAT WOULD BE THE MOVE.

KELLY: YEAH

ADAMITA: AND BELIEVE IT OR NOT, START
SELLING BY THE BOTTLE [POUND]. YOU
KNOW WHAT I'M SAYING.

KELLY: YEAH, FUCK IT.

ADAMITA: [INAUDIBLE] EASIER?

KELLY: YEAH, ABSOLUTELY

ADAMITA: YOU KNOW, DON'T PUT ALL YOUR
EGG'S IN ONE BASKET.

KELLY: ABSOLUTELY...I GOTTA GO LOOK AT A
BUILDING TODAY, I'M GONNA CALL YOU
BACK IF EVERYTHING IS GOOD [GROW

LOCATION].

ADAMITA: WELL, WHERE IS IT?

KELLY: STATEN ISLAND.

ADAMITA: TELL ME WHERE AND WHEN AND I'LL BE THERE BROTHER, AND WE'LL DO IT [GROW MARIJUANA], I SWEAR ON MY MOTHER. THIS IS THE BEST THING IN THE WORLD.

KELLY: IT'S LIKE 9,000 SQ FT [INAUDIBLE].

ADAMITA: WHAT'S THE PROBLEM?

KELLY: IT'S A BIG BUILDING.

ADAMITA: YEAH, BUT IS IT TO BUY?

KELLY: WE COULD BUY IT OR RENT IT, IT'S A FRIEND OF MINE THAT OWNS IT. SO IT'S NOT GONNA BE A PROBLEM, THAT'S WHY....

ADAMITA: AHH, THAT'S WONDERFUL, LET'S RENT IT.

KELLY: YEAH

ADAMITA: HOW MUCH DOES HE WANT A MONTH?

KELLY: I DON'T KNOW, I'M ACTUALLY GOING THERE RIGHT NOW.

ADAMITA: IS IT A NIGGER NEIGHBORHOOD? BOTH IT'S BLACK AND WHITE...WHERE?

KELLY: FOREST AVE.

ADAMITA: AND WHAT?

KELLY: ALRIGHT?

ADAMITA: FOREST AND WHAT?

KELLY: RIGHT OFF MORNINGSTAR RD, BY THE MICKY D'S.

ADAMITA: NAH..THAT'S GREAT OVER THERE.

KELLY: I KNOW, I SAID IT'S A BOTH AREA.

ADAMITA: THAT'LL BE A GREAT NEIGHBORHOOD, LET'S DO THIS

KELLY: ALL RIGHT, I'LL CALL YOU BACK.

ADAMITA: LET'S BUY IT I GUESS, THAT'S THE BEST BET.

KELLY: I'M GOING TO SEE IF WE CAN RENT IT WITH AN OPTION TO BUY.

ADAMITA: OPTION TO BUY [INAUDIBLE], ALRIGHT BROTHER, DO YOU WANT ME TO MEET YOU THERE?

KELLY: NAH, I'M GOING TO GO THERE NOW FIRST, TALK TO THE KID, AND IF

EVERYTHING IS A GO, I'M GONNA GET THE KEYS, AND WE'LL GO LOOK AT IT TOMORROW.

ADAMITA: DON'T TELL ME IT'S THE BUILDING ON THE ONE INSIDE THE WHATTA YA CALL IT INSIDE THE LITTLE AREA.

KELLY: NAH NAH, WE NEVER SAW IT BEFORE, ME OR YOU.

ADAMITA: ALRIGHT, I'M WORKING ON THESE GUY'S, I FEEL FOR YOU, I UNDERSTAND THE TORTURE. MY TORTURE WILL COMMENCE AT 4:30.

KELLY: GOOD BYE.

ADAMITA: THAT'S WHEN THE KID COMES OFF OF MAHATTAN FROM WORK.

KELLY: ALRIGHT

ADAMITA: AND THE TORTURE WILL COMMENCE SEE YOU LATER.

12. Additionally that same day a call was intercepted between ADAMITA and KELLY pertaining to the particulars of setting up the marijuana grow at the Staten Island location discussed in the previous call. Multiple calls were also recorded by KELLY and ADAMITA concerned efforts at collecting drug debts from their customers, with customers and ADAMITA negotiating for marijuana. Many of these calls used simple code words such as "coffee" as a code word for marijuana.

13. In August 2006, a wholesale marijuana supplier who is now a cooperating defendant (CD) was arrested by the DEA while conducting a twenty five pound marijuana sale with a third subject. The CD was intercepted on the ADAMITA wiretap numerous times as well as being observed by DEA surveillance meeting with

ADAMITA at various locations. During debriefing the CD advised agents that ADAMITA has been supplying him with marijuana for the past year. The CD stated that he has been purchasing two to three bales of regular marijuana per month as well as five to ten pounds of hydroponic marijuana from ADAMITA per month. According to the CD, ADAMITA commonly referred to marijuana as "cases of wine" and "good news" when conducting his marijuana business on the telephone. The CD also advised that John KELLY is ADAMITA's partner and that he was advised by ADAMITA that KELLY was bringing one thousand pounds of marijuana in to the country.

14. On August 7, 2006, at approximately 6:50 p.m., a call was intercepted between ADAMITA and KELLY. The discussion pertained to the quality of the marijuana that they currently have for sale. The following is a sum and substance of the conversation:

ADAMITA: WHATS UP PAL?
KELLY: WHATS UP BUDDY?
ADAMITA: WHAT ARE YOU DOING?
KELLY: NOT MUCH. RUNNING AROUND.
ADAMITA: YEAH? HOW'S EVERYTHING LOOKING
[MARIJUANA SALES]?
KELLY: NAH, EVERYTHING IS STILL ON A
FUCKING STANDSTILL.
ADAMITA: YOU KIDDING ME?
KELLY: NO.
ADAMITA: EVEN WITH THE OTHER GUY [CUSTOMER]?
KELLY: YEAH, I CAN'T DO FUCKING NOTHING.

HELLO?

ADAMITA: YEAH BUDDY. I'M LISTENING , I'M LISTENING.

KELLY: YEAH STILL CAN'T DO NOTHING YET.

ADAMITA: I GUESS DO WHAT YOU GOT TO DO. WITH WHAT WE GOT AND..

KELLY: I SEEN, I HAD SOMEBODY ELSE CAME IN. I WENT TO GO SEE H [NESIMI], I GAVE HIM A PICTURE [MARIJUANA SAMPLE] AND I AM WAITING FOR HIM, HE SAID HE WILL CALL ME BACK BY 8 O'CLOCK. I TOLD HIM ANYTHING GOT TO BE RIGHT THERE AND THEN, I GOT TO GET A CHECK [WANTS NESIMI TO PAY FOR MARIJUANA]

ADAMITA: ALRIGHT. BUT IS IT THE SAME COMPANY AS THE OTHER ONE? [SAME MARIJUANA]

KELLY: NO WAY DIFFERENT, WAY WAY DIFFERENT.

ADAMITA: BETTER?

KELLY: YEAH.

ADAMITA: OH YEAH?

KELLY: YEAH.

ADAMITA: LET ME ASK YOU A QUESTION. WHAT IS THAT BOTTLE OF WINE [POUND OF MARIJUANA] GOING FOR?

KELLY: \$950

ADAMITA: ALRIGHT THAT AIN'T BAD. BECAUSE YOU KNOW WHAT ELSE, MY OTHER, MY FRIEND, THAT KID THAT IS SELLING THE HOUSE.[BARAK]]

KELLY: YEAH.

ADAMITA: SAID THAT HE IS LOOKING FOR, YOU KNOW, YOU KNOW A BETTER BRAND [MARIJUANA]. HE SAID HE'S GOT THE CHEAP BRAND, HE GOT THOSE FREAKEN YA KNOW CALIFORNIA WINES [MARIJUANA]. HE IS LOOKING FOR A GOOD ITALIAN WINE [MARIJUANA].

KELLY: YEAH, OK.

ADAMITA: SO THAT WILL BE, WHATEVER IT IS, WE WILL WORK IT OUT.

KELLY: ALRIGHT BUDDY.

ADAMITA: ALRIGHT PAL. BUT THIS KID HAS NOT
CALLED YOU BACK YET?

KELLY: YEAH.

ADAMITA: WHAT?

KELLY: HE SAID BY 8 O'CLOCK HE WILL CALL.

ADAMITA: ALRIGHT, ALRIGHT. FUCKING
AGGRAVATED, SO AGGRAVATING.

KELLY: OK.

ADAMITA: YA KNOW. WHAT ELSE IS GOING ON,
ANYTHING ELSE? HAVE YOU HEARD FROM
JOE LATELY, I HAVE NOT HEARD FROM
JOE.

KELLY: YEAH, TODAY, HE IS IN COURT ALL
DAY.

ADAMITA: OH YEAH?

KELLY: YEAH.

ADAMITA: WHY, WHO'S IN COURT?

KELLY: I DON'T KNOW, WHOEVER HIS CLIENTS
ARE. I HAVE NO IDEA.

ADAMITA: ALRIGHT PAL.

ADAMITA: YOU GOING TO BE ABLE TO TAKE CARE
OF THE CALIFORNIA [MARIJUANA]?

KELLY: YEAH, I AM GOING TO DO THAT
HOPEFULLY TOMMOROW I'LL HAVE THAT
DONE.

ADAMITA: OK, SO YOU TAKE CARE AND THAT'S
FUCKING IT.

KELLY: YEAH I HEAR YA.

ADAMITA: I AM GOING TO PUT IT ON HIM.

KELLY: ALRGHT BUDDY, I WILL TALK TO YOU
LATER.

ADAMITA: ALRIGHT BYE.

KELLY: BYE.

ADAMITA: YEAH, WE ARE?

KELLY: 100 PERCENT YOU ARE.

ADAMITA: DID YOUR BROTHER GIVE YOU AN
ANSWER, HE SAID TODAY?

KELLY: NO, I'M GOING TO CALL HIM RIGHT
NOW. I HAVE'NT EVEN SPOKEN TO HIM.

ADAMITA: DO ME A FAVOR, CALL ME BACK.

KELLY: YEAH I'LL CALL YOU BACK

15. DEA surveillance units followed ADAMITA to "Indoor Outdoor Gardner", [A HYDROPONICS STORE], located on 5th Avenue and 83rd Street, Brooklyn, New York. Agents observed ADAMITA enter the store and several minutes later exit while carrying a bag containing tubing. Surveillance units then followed ADAMITA to 63rd Street and 11th Avenue, Brooklyn, New York, where agents observed ADAMITA place a telephone call to PIRRO. The following is a sum and substance of the intercepted conversation:

PIRRO: HELLO.

ADAMITA: WHERE ARE YOU?

PIRRO: I'M HERE.

ADAMITA: WHERE?

PIRRO: IN THE FRONT [Grow house]

AAMITA: ARE YOU IN?

PIRRO: NO. WHY WOULD I GO THERE FOR? OH, You Know YOU'RE RIGHT.

ADAMITA: I AM RIGHT.

PIRRO: I'M RETARDED BRO. I'M STANDING HERE Like a RETARD. WE GOTTA SET EVERYHTING [GROW Equiptment] UP FIRST.

ADAMITA: EXACTLY.

PIRRO: I'M SO STUPID. I'LL BE RIGHT THERE.

ADAMITA: BYE.

Several minutes later surveillance units observed PIRRO arrive and meet with ADAMITA on 63rd Street and

11th Avenue. Agents observed PIRRO and ADAMITA enter the "growhouse" at 1162 63rd Street, Brooklyn, New York. ADAMITA was observed carrying the bag of tubing he obtained at the hydroponics store into the location. Approximately two and a half hours later ADAMITA and PIRRO exited the location appearing wet and sweating. PIRRO and ADAMITA then departed the area in ADAMITA's vehicle.

WHEREFORE, your deponent respectfully requests that the defendants be dealt with according to law.



JEFFREY BOLETTIERI
Task Force Officer
Drug Enforcement Administration

Sworn to before me this
25th day of October 2006

/s/William D Wall

THE HONORABLE WILLIAM WALL
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK